

m. When mail is rejected due to inappropriate contents of the correspondence or contraband is found, provided the correspondence is not retained for investigation or prosecution, the inmate that the mail was addressed to will have the option of paying the postage to return the mail to the sender or having the mail destroyed by institutional staff. The inmate must choose one of the two options within three days of the rejection notice. This rule is in reference to the return of opened mail per United States Postal Service, Office of Classification and Rates Administration, Ruling #206.

The sender of rejected correspondence may protest the decision in writing to the warden/superintendent.

n. All outgoing parcel post items will be packed and sealed by the mail room and postage charged to the inmate.

o. Letters will not be delivered which are written in a foreign language or code unless the foreign language is the only language of the inmate (exceptions may be made by the warden/superintendent).

p. The sender's name shall be signed in full at the end of the letter. The sender's name and address shall appear in the upper left-hand corner of the envelope.

q. The inmate's name, number (if known), box number or street address, city, state, and zip code shall also appear on the envelope of incoming mail.

r. All outgoing mail shall contain a return address including inmate name and number as well as the institution, address, and zip code.

s. Reasonable size restrictions of envelopes may be imposed.

t. Each institution shall have written procedures for disposition (safekeeping and preservation) of contraband.

u. Only first-class letters and packages will be forwarded after an inmate's transfer or release.

v. An individual may deposit funds in an inmate's account by sending only bank drafts or money orders payable to (warden or superintendent's name) for (inmate's name). Identification of the sender and a cover letter shall accompany the bank draft or money order. These funds may be enclosed with a letter to the inmate but shall not be enclosed with a package.

w. Misuse of mails will result in institution discipline and be reported to the United States Postal Inspector or other state or federal agencies for action.

201—20.5(904) Money orders/cashier's checks for inmates. Money orders/cashier's checks only will be accepted for deposit into an inmate's account by mail or per 20.3(10). Money orders/cashier's checks must be made payable to the warden and must include the inmate's name and ID number. Suspected abuse of money requests from the public by an inmate may be cause for limits or restrictions on the amounts and from whom money can be received.

201—20.6(904) Publications. The institution shall allow inmates access to publications when consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation.

20.6(1) Publications include periodicals, newspapers, books, and other printed matter. All publications shall be unused and sent directly from a reputable publishing firm or book store which does mail order business. Any exceptions must be authorized by the warden or superintendent. No publication will be denied approval solely on the basis of its appeal to a particular ethnic, racial, religious, or political group. The quantity of printed materials, as with other personal property, will be controlled for safety and security reasons.

20.6(2) All publications not on the approved list shall be reviewed by a publication review committee for approval or denial.

a. The committee shall be appointed by the director, department of corrections, and shall include a person with broad exposure to various publications, and two representatives of correctional institutions.

b. The committee shall fairly review all types of publications to be received by inmates in accordance with these rules.

20.6(3) The following procedures shall be used when reviewing a publication not on the approved list:

a. The committee shall approve or deny publications within 15 working days of receipt of the publication.

b. When a publication is denied, the committee shall send a written notice to the inmate, stating the publication involved, the reason for denial, and the inmate's available appeal process.

c. The inmate shall have five days to notify the designated institution staff where to send the material at the inmate's expense or notify the institution that the decision is being appealed.

d. A list of approved publications shall be maintained.

20.6(4) A publication may be denied when the publication presents a danger to the security or order of an institution or is detrimental to the rehabilitation of the inmate. Authorized reasons for denying a publication are that the publication:

a. Is likely to be disruptive or produce violence.

b. Contains material which portrays a minor (any person 17 years of age or younger) engaged in or simulating any of the following:

(1) An act which involves sexual contact between two or more persons by penetration of penis into the vagina or anus, by contact between the mouth and the genitalia or by contact between the genitalia of one person and the genitalia or anus of another person, or by the use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

(2) An act of bestiality involving a minor.

(3) Fondling or touching the pubes or genitals of the minor.

(4) Fondling or touching the pubes or genitals of a person by a minor.

(5) Sadomasochistic abuse of a minor for the purpose of arousing or satisfying sexual desires of the person who may view a depiction of the abuse.

(6) Sadomasochistic abuse of a person by a minor for the purpose of arousing or satisfying the sexual desires of the person who may view a portrayal of the abuse.

(7) Nudity of a minor for the purpose of arousing or satisfying the sexual desires of a person who may view a portrayal of the nude minor.

c. Contains material portraying bestiality, sadomasochism, or excretory functions or lewd exhibition of the genitals as prohibited by Iowa Code section 728.1(2).

d. Contains information relating to escapes or formulating escape plans.

e. Contains information relating to provoking a riot or disturbance.

f. Contains information relating to obtaining an emotional or behavioral state comparable to those produced by a controlled substance, by using aerosols, glue, or other chemical materials.

g. Contains materials which illustrate, explain, describe, or teach martial arts, or other manufacture of weapons or explosives, or advocate behavior contrary to duly established institution rules or Iowa statutes. Contains materials which illustrate, explain, describe, or teach ability to frustrate crowd or riot control methods. Contains materials which illustrate, explain, describe, or teach ability to sabotage or disrupt communications networks, including a prison's internal and external communications and automated information systems.

h. Contains information concerning criminal activities.

i. Contains encoded material. This shall not automatically include foreign language publications not otherwise prohibited in these rules.

j. May violate postal regulations, such as threats, blackmail, contraband, or similar violations.

20.6(5) Portrayal of fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse, male erection, or other sexually explicit materials will be denied to those inmates when the material is detrimental to the rehabilitation of an individual inmate, based on psychological/psychiatric recommendation.

20.6(6) Publications which contain material portraying fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse or male erection and are not prohibited by 20.6(4)“*b*,” 20.6(4)“*c*,” or 20.6(5) above will be controlled for the security and order of the institution and to assist in enabling its control from those inmates denied access by 20.6(5) above. Institutional procedures shall be established for the inmate to reserve time in a designated controlled area and obtain the material for reading during specified times. The publication will be secured until the inmate makes arrangements for further review of the material. An inmate may have secured no more than ten publications at any given time, none of which are over three months old from publication date or receipt, and any that are in excess of the ten limit or over three months old must be sent out of the institution at the inmate’s expense, or destroyed or taken with the inmate upon release.

20.6(7) An inmate may appeal the committee’s decision or the denial of a publication for treatment reasons within ten days of receipt of the decision by filing written objections to the Director, Department of Corrections, Capitol Annex Building, 523 East 12th Street, Des Moines, Iowa 50319. The director’s decision shall be final.

201—20.7(904) Interviews and statements.

20.7(1) When inmates are selected to be interviewed and photographed within the institution, either singly or as part of a group, identifiable interviews or pictures shall have the written consent of the inmate involved as well as prior consent of the warden, superintendent, or designee.

20.7(2) The warden or superintendent is responsible for all communications with mass media.

201—20.8(904) Guests of institution. Persons wishing to visit the institution shall give prior notice of their intended visit and receive approval for the visit. The prior notice and approval may be waived by the warden, superintendent, or designee for emergencies.

20.8(1) Any guest must agree to comply with the policy and procedures of the institution when signing in at the control center.

20.8(2) Persons under 18 years of age may only visit with prior approval of the warden, superintendent, or designee, and shall be accompanied by a responsible adult. An adult shall be in charge of no more than four children.

20.8(3) Guests shall be escorted by a staff member. Any exception shall have prior approval of the warden, superintendent, or designee.

20.8(4) Guests shall be allowed personal contact with an inmate only when it serves the best interests of the inmate as determined by the warden, superintendent, or designee.

20.8(5) All contacts with inmates shall be absent of any encouragement, support, or suggestion of activity which would bring disorder to the institution.

20.8(6) Rescinded IAB 3/20/91.

201—20.9(904) Donations. Donations of money, books, games, recreation equipment or other such gifts shall be made directly to the warden or superintendent. The warden or superintendent shall evaluate the donation in terms of the nature of the contribution to the institution program. The warden or superintendent is responsible for accepting the donation and reporting the gift to the director, division of adult corrections.

201—20.10(904) Incarceration fees. Effective July 1, 1997, an incarceration fee of up to \$5 per month will be assessed to all inmates who are financially able to pay. The ability to pay will be determined by an inmate's medical, physical, and mental status as well as security and program levels.

20.10(1) Deductions will occur on the first workday of each month provided all other legal and department financial obligations have been met including personal hygiene items and postage. Legal obligations include, but may not be limited to, Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190; Iowa Code sections 904.508, 904.702, 904.809 and 904.909; Iowa Code chapters 610 and 610A; and Iowa Rules of Civil Procedure section 80(b). Federal obligations include but are not limited to United States Code Title 28, Section 1915(b), and Federal Rules of Civil Procedure, page 54, and United States Code Title 31, Section 3713.

20.10(2) For those inmates determined to be able to pay, the first deduction will occur on the first workday in August and on the first workday of each subsequent month thereafter until the release of the inmate.

20.10(3) If an inmate is determined to be able to pay but there are insufficient funds in the inmate's account at the time of the deduction, the amount will be deducted from subsequent credits to the account.

20.10(4) Inmates assigned to a violator program at ICIW or NCF, in accordance with Iowa Code section 904.207, or inmates employed in private sector jobs, in which case federal regulations apply in accordance with Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190, are excluded from deductions as required by rule.

20.10(5) The director may temporarily delay or suspend the collection of these fees or may modify the method or source of collections to minimize related administrative burdens.

This rule is intended to implement Iowa Code section 904.108 as amended by 1997 Iowa Acts, chapter 190.

201—20.11(904,910) Restitution.

20.11(1) Every inmate required by a court order to pay restitution shall have a restitution plan and a restitution plan of payment developed, unless a court-ordered restitution plan has been completed.

20.11(2) The restitution plan of payment shall consider the present circumstances of an inmate's physical/mental health and other legal financial obligations.

20.11(3) The deputy director of institutions shall ensure that there are written procedures governing the development and modification of each restitution plan and plan of payment.

20.11(4) The warden/superintendent or designee shall approve each restitution plan or modified plan and send a copy to the clerk of court.

20.11(5) Initial inmate complaints regarding restitution plans of payment or modifications may be addressed via the inmate grievance procedure.

20.11(6) The staff shall explain the restitution plan and plan of payment to the inmate. Each inmate shall receive a copy of the restitution plan and plan of payment.

20.11(7) Restitution payments shall be deducted from all credits to an inmate's account. Up to 50 percent may be deducted. The following are exempt for deductions from credits to an inmate's account from an outside source:

a. An amount, assessed by the warden/superintendent or designee, specifically for medical costs. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed. If the medical procedures are not performed or carried out, the money shall be returned to the sender at the inmate's expense.

b. An amount, assessed by the warden/superintendent or designee, specifically for the cost of a funeral trip. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

c. An amount as assessed by the appropriate authority specifically for transportation fees as a result of work release/OWI violations or compact transfers. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

d. An account transfer from one institution to another.

e. Refunds from outside vendors or institution commissaries.

f. Property tort claims.

g. Any other exception approved by the warden/superintendent or designee.

20.11(8) Restitution deductions shall be forwarded to the clerk of court in the county of commitment on a quarterly basis.

20.11(9) When the department of corrections has knowledge of other income or assets the district court clerk of the sentencing county shall be so notified.

20.11(10) A percent greater than established in the restitution plan of payment may be deducted from a credit to an inmate's account by authorization of either the inmate, the warden/superintendent or designee, or by court order.

20.11(11) The restitution plan of payment may be modified through each level of commitment. (This includes preinstitutional services and postinstitutional services.)

This rule is intended to implement Iowa Code chapter 904 and sections 910.2, 910.3 and 910.5.

201—20.12(904) Furloughs. The furlough program is designed to provide an opportunity for the following:

1. To maintain or strengthen family relationships if specific reasons or objectives are documented and verified.

2. To obtain training programs or community services not available in the institution.

3. To seek employment and housing prior to release.

4. For correctional staff to examine the inmate's capacity to abide by the guidelines of the furlough policy and establish productive release programming. This enables staff to assess the inmate's ability to function in a less restrictive setting such as parole or work release.

Furloughs are a privilege earned by overall responsible behavior and are subject to rules contained in the Iowa Administrative Code and department policies. Furloughs are a privilege, not a right, and may be denied or canceled at any time for reasons deemed sufficient by the warden/superintendent or designee. Reasons for denial or cancellation shall be given to the inmate. Upon request these reasons shall be in writing. If a furlough is canceled after approval and the inmate is restricted from telephone usage, the institution shall notify the transporting party.

When uniformity of furlough rules for all institutions is not possible or not prudent, rules shall be published in the respective institution chapters.

Circumstances not covered in the furlough rules will require approval by the warden/superintendent or designee.

The overall criteria and approval for furlough participation shall emphasize community safety, positive institutional performance and future planning.

20.12(1) Minimum eligibility requirements for community visit furlough. These are minimum eligibility requirements and do not automatically confer approval of a furlough plan. For community services furloughs, further requirements shall be met consistent with the furlough level system. These requirements must be met prior to furlough consideration and may be subject to additional requirements by the wardens/superintendents.

- a. Inmates serving a Class "A" felony shall not be eligible for furlough unless the sentence has been commuted to a term of years.

b. Inmates who escape from the institution, escape while on furlough, or commit a felony on furlough during the present commitment will not be eligible for furloughs. Commission of an escape or a felony in this context shall be defined as a finding of guilty by the institutional disciplinary committee or a finding of guilty in a criminal court of law. An exception to this rule may be made when an inmate is authorized a parole or work release.

c. Only minimum security live-out inmates are eligible for furloughs. An inmate must be in minimum live-out status for 91 days or in a prerelease program for two days prior to participating in the furlough.

d. Inmates with detainers are ineligible for furloughs unless the detaining authority provides written authorization for furlough privileges.

e. Inmates serving a mandatory minimum sentence will not be eligible until completion of the mandatory minimum requirement.

f. Inmates with Class I disciplinary reports, to include pending reports and reports in any step of the appeal process, are ineligible for furloughs. This shall include Class II disciplinary reports which have resulted in a loss of furlough privileges.

g. Major and minor disciplinary reports can result in loss of furlough privileges as part of the disciplinary process. Inmates must be sanction free for at least 28 days prior to applying for furlough. This time frame may be extended for serious rule infractions at the discretion of the warden/superintendent.

h. Inmates serving time for a felony conviction, other than a Class "A," shall have served a minimum of one-sixth of the sentence or four months, whichever is greater, in an institution, from the date of commitment to discharge date.

i. Rescinded 3/20/91.

j. Inmates shall have sufficient funds to cover the cost of the furlough including transportation costs.

k. Inmates with pending work release or parole revocation or rescission hearings are not eligible for furlough.

l. Inmates who are suspended from their work assignment or confined to the housing area are not eligible.

m. Inmates with pending transfer referrals to a more secure classification are not eligible.

n. Any inmate having committed murder, rape, or sexual abuse of a child which resulted in a conviction, reduction in charge, plea bargain, or dismissal, or possesses a risk assessment requiring more than three votes for release, shall not be eligible for furlough until the parole board has recommended gradual release and the following procedures are completed:

- (1) Classification committee reviews/approves and forwards to the warden/superintendent.
- (2) Warden/superintendent reviews/approves and forwards to the deputy director of institutions.
- (3) Deputy director makes final approval.

Other than classification appeals to the warden/superintendent, if any step denies the recommendation, that decision is final and the inmate is not entitled to further review. Reasons for denial shall be documented. The denying authority shall state when the case may again be submitted for review. This process will take place on an individual and case-by-case basis.

o. Inmates who have been revoked from work release parole will not be eligible for furlough until six months (182 days) from the date of return to IMCC.

20.12(2) Furlough plan requirements.

a. Law enforcement officials in the community to which the inmate plans to furlough shall be advised of the inmate's intention to furlough. Community input will be taken into consideration during the approval process.

b. Except for community service furloughs, inmates taking furloughs are required to be under the supervision of a responsible person as defined in Title II definitions. A responsible person may be required to have a prefurlough interview with staff when requested and may be required to provide three character references.

c. The furlough plan must be submitted for approval and review before and after the furlough and shall include but not be limited to the following:

(1) Purpose of furlough which shall include specific reasons and objectives for the furlough.

(2) Furlough destination to include name, address, telephone number, and relationship of responsible person.

(3) Complete and adequate transportation plan including means of transportation which must be: With anyone on the inmate's visiting list;

By public transportation. When public transportation is not available from the community in which the institution is located, the warden/superintendent or designee may approve other means of transportation to the public transit site.

(4) Activity schedules to include dates, times, telephone numbers and locations, law enforcement check-ins, estimated departure, arrival times, purpose of the activity, and any further information deemed necessary by the warden/superintendent or designee. Activity schedules will be verified by staff prior to departure and after return. Unspecified or unaccounted for time on furlough will not be permitted.

(5) Names and relationship to all persons with whom the inmate will be in contact.

(6) Whether or not the furlough residence is equipped with a call-forwarding device.

Inmates will not be permitted to have married individuals of the opposite sex (other than immediate family members) as responsible persons unless both husband and wife are listed as responsible persons. Married inmates will not be permitted to have any individuals of the opposite sex (other than immediate family) as responsible persons.

d. The warden/superintendent or designee may impose additional requirements in the furlough plan.

20.12(3) Furlough conditions. Following are minimum conditions and restrictions placed on inmates during their absence from the institution while on furlough:

a. The inmate shall, in person, report to the local law enforcement agency upon arrival at the furlough destination, as indicated in the plan, and have law enforcement personnel sign the form, including the date and time. Additional check-ins may be required in the plan.

b. Only one inmate on furlough shall be permitted at a residence at any given time. Exceptions may be made when the inmates are immediate family members. Additional exceptions may be made only by the warden/superintendent or designee. Inmates are prohibited from participating in activities together on furlough unless specifically authorized in the plan.

c. The inmate and the responsible person shall be in the furlough residence from the hours of 10 p.m. to 6 a.m. Travel to and from the furlough destination is not permitted between the hours of 10 p.m. and 6 a.m. unless it is not feasible to reach the furlough destination from the institution by 10 p.m. or to reach the institution from the furlough destination without traveling during the restricted hours. This shall be reflected in the furlough plan.

d. Inmates on furlough must be available for telephone checks. Random telephone checks will be made to ensure that the inmate is in the place of assignment designated in the furlough plan.

e. Unspecified or unaccounted for time on furlough is not permitted. A maximum of five hours on any given day will be considered for activities during which the inmate is unavailable by telephone during community visit furlough. Time away from a telephone may be used to go to private businesses, churches, make law enforcement check-ins, or participation in approved treatment. These activities and locations must be listed on the furlough plan. Time away from a telephone is not permitted during visits or recreation.

f. Inmates on furlough are not permitted to use call forwarding devices. The plan shall reflect whether or not the furlough residence is equipped with call forwarding.

g. Inmates are not permitted to drive motor vehicles while on furlough. Exceptions shall be made only by the warden or superintendent.

h. Inmates are not allowed to hitchhike while on furlough.

i. Inmates must abide by all laws and institution rules while on furlough. Inmates may not enter establishments whose primary business is the sale of alcoholic beverages. Inmates are prohibited from consuming any alcoholic beverages or controlled substances.

j. An inmate must call the institution to request permission for any change in the furlough plan. Calls received collect to the institution will be charged to the inmate's account.

k. Out-of-state furloughs are not permitted except in a verified emergency, and only with the approval of the director of the department of corrections and the governor or designee (department policy out-of-state travel for inmates).

l. Furloughs for federal offenders are subject to any additional rules and policies as outlined in the federal manual.

m. If the inmate returns to the institution from furlough during visiting hours, a visit may be requested.

20.12(4) Approval process.

a. Staff shall verify all aspects of the furlough plan and eligibility requirements.

b. Each institution shall have written policy describing the process by which the plan, once submitted by the inmate, is reviewed prior to the final decision by the warden/superintendent or designee and shall include time frames for submission.

c. The following information will be considered in determining an inmate's readiness to meet furlough requirements.

(1) Information contained in the plan.

(2) Any recommendations received from local law enforcement in response to furlough notification.

(3) Institutional performance, including conduct, attitude, program participation, and overall adjustment.

(4) Work reports.

(5) Psychiatric/psychological information.

(6) Nature of the instant offense.

(7) Criminal history.

(8) Any other information which may have impact on the successful completion of the furlough.

d. The warden/superintendent or designee shall review each furlough plan and make the final decision to approve or deny the furlough. When the furlough is denied, the inmate will be informed of the reason(s). Upon request, these reasons shall be given in writing. If a furlough is canceled after approval and the inmate is restricted from telephone usage, the institution shall notify the transporting party.

20.12(5) Types of furloughs. Long furloughs may be allowed when a holiday occurs consecutive to a weekend. In this case, the furlough may begin after work on the last work day prior to the holiday weekend and end by 10 p.m. on the last nonworking day of the holiday weekend. Exceptions of this nature shall be made only with the approval of the warden/superintendent or designee.

a. Emergency furlough. Emergency furloughs will be considered in the event of a death or serious illness in the immediate family. Up to three days may be granted for an emergency furlough. In the event of extenuating circumstances, seven days may be granted with the approval of the warden/superintendent or designee.

b. Community placement furloughs. Inmates shall meet minimum eligibility requirements of Level 3 and be within one month of discharge with approval of warden/superintendent or designee.

Discharge. Develop community resources, seek employment and appropriate housing. Up to a maximum of four calendar days may be granted.

c. Community services furloughs. Inmates shall meet the requirements of Level 2 of the furlough level system. Inmates may apply for furloughs to obtain verified needed services or treatment specified in the individual's treatment plan that is not provided by the institution and cannot be completed by telephone or mail. This includes: education, vocational training, driver's license, medical, family, marital and premarital counseling, psychological treatment, and legal matters of a civil nature. Furloughs may be approved as needed and for the time required to meet treatment or legal needs or to provide services or work that benefits the community.

d. Community visit furloughs. Inmates shall meet the minimum eligibility requirements and the requirements of Level 3. Community visit furloughs may be granted to provide inmates the opportunity to maintain family relationships, to reestablish contact with the community and prepare for release, and to provide staff the opportunity to examine the inmate's capacity to abide by the guidelines of the furlough policy and establish productive relationships in order to assess the inmate's ability to function in a less restrictive setting such as parole or work release. The number of eligible hours may be reduced at the discretion of the warden/superintendent or designee.

20.12(6) Furlough level system. The furlough level system, as published herein allows inmates the opportunity to progress from minimum to maximum privileges available in the furlough program. Progression through the level system is not automatically conferred and is subject to approval of the warden/superintendent or designee. Minimum security institutions in the furlough level system means the Iowa Correctional Institution for Women and the Correctional Release Center. Satellite facilities in the furlough level system means Luster Heights satellite of the Iowa State Men's Reformatory and Montrose (Farm No. 3) and Augusta (Farm No. 1) satellites of the Iowa State Penitentiary.

Due to the structural, staffing, programmatic and geographical differences between the institutions offering furlough programs, it may be necessary to publish in the respective institutional IAC chapters rules which are institution-specific. Levels 2 and 3 shall apply to satellite facilities and minimum security institutions. Levels 4 and 5 shall apply only to prerelease programs in minimum security institutions.

Inmates transferring between furloughing institutions shall maintain their previous furlough level status following a 14-day period at the receiving institution provided that the eligibility requirements continue to be met and provided that level is available at the receiving institution.

a. Level 1.

- (1) Type of furlough: Emergency.
- (2) Frequency: As requested and upon special approval.
- (3) Duration: Three days maximum with special approval up to seven days.
- (4) Time scheduled away from telephone: Up to four hours per furlough day.
- (5) Criteria: Medium/Minimum out or minimum live-out status, with no time limit in that status, verified death or life-threatening illness in immediate family. Inmates in these custody levels by override will require approval of DOC deputy director for institutions or designee.

b. Level 2.

- (1) Type of furlough: Community service.
- (2) Frequency: As needed to complete treatment or legal need.
- (3) Duration: As needed to complete treatment or legal need up to 14 days.
- (4) Time scheduled away from telephone: To be determined on furlough application.
- (5) Entrance criteria: Twenty-one days in minimum live-out status at the institution from which the inmate is requesting furlough. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override will require approval of DOC deputy director for institutions or designee.

c. Level 3.

- (1) Type of furlough: Community visit.
- (2) Frequency: Up to one per every 56-day cycle.
- (3) Duration: Up to 48 hours (may be extended for holiday weekends).
- (4) Time scheduled away from telephone: Up to three hours per furlough day.
- (5) Entrance criteria: Ninety-one days in minimum live-out status; satisfactory or above weekly performance evaluations. Inmates in minimum live-out status by override will require approval of the DOC deputy director for institutions or designee.

d. Level 4 (Prerelease programs only).

- (1) Type of furlough: Community visit.
- (2) Frequency: One per 28-day cycle.
- (3) Duration: Up to 55 hours (may be extended for holiday weekends).
- (4) Time scheduled away from telephone: Up to four hours per furlough day.
- (5) Entrance criteria: Minimum live-out status. Prerelease program placement for 42 days. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override require approval of the DOC deputy director for institutions or designee.

e. Level 5. (Prerelease).

- (1) Type of furlough: Community visit.
- (2) Frequency: Up to two per 28-day cycle.
- (3) Duration: Up to 55 hours (may be extended for holiday weekends).
- (4) Time scheduled away from telephone: Up to five hours per furlough day.
- (5) Entrance criteria: Minimum live-out status. Twenty-eight days at Level 4. Freedom from any disciplinary report other than reprimand for the past 56 days. Satisfactory or above performance evaluations. Inmates in minimum live-out status by override require approval of the DOC deputy director for institutions or designee.

20.12(7) Furlough discipline. Inmates are required to be at scheduled residences. Disciplinary reports for unauthorized absence and violation of a condition of leave will be written in instances where the inmate is not at the assigned/scheduled residence. Disciplinary reports for unauthorized absence and violation of a condition of leave will be written if an inmate cannot be reached by telephone check in a 30-minute period.

A discipline report for violation of a condition of leave and unauthorized absence will be written if an inmate fails to return to the institution by the stated return time.

This rule is intended to implement Iowa Code section 904.108.

201—20.13(904) Board of parole interviews. Each institution provides space for the conduct of interviews between the Iowa board of parole and institutional inmates. When these meetings are held in correctional institutions, attendance is subject to security and safety regulations as stated herein. Any exception to these rules must have prior approval of the director of the department of corrections or designee.

20.13(1) Persons desiring to attend a board of parole interview who are not on an inmate's visiting list shall notify the warden or superintendent of the respective institution of their intent to attend. A visitor's application will be sent to the person, and the completed application must be received back by the institution at least 15 days prior to the scheduled date of the parole interview in order that a background investigation with law enforcement officials may be completed prior to attendance at the parole interview. Following a successful background investigation, authorization to attend parole interviews will be continuous subject to these rules and any subsequent background investigations conducted at the discretion of the warden or superintendent.

20.13(2) Due to security considerations, those persons excluded from applying for visitation privileges pursuant to subrule 20.3(1), paragraph "f," subparagraphs (1) to (7), inclusive, are also excluded from attending parole board interviews as listed below:

- a. Individuals who have been discharged from a correctional institution within the last 18 months.
- b. Individuals whose behavior represents a control problem or is counterproductive to the rehabilitation of the inmate. This may be reflected in the background investigation report which shows the individual having a record of carrying concealed weapons, irresponsible or illegal use of a controlled substance, previous violation of institutional rules, or similar behavior.
- c. Individuals on probation, work release or parole.
- d. Individuals who have been convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.
- e. Individuals who intentionally give false information.
- f. Ex-felons.
- g. When the interview is held inside the institution proper, no children under the age of 18 are allowed.

20.13(3) Due to security considerations the following rules shall apply:

- a. Written notification of approval or denial will be given to the requester.
 - (1) When approved, the requester shall be informed on the notification:
 1. That the attendee may be subject to a search (subrule 20.13(3), paragraph "f") when a staff member has an articulable reason to believe that the attendee is concealing contraband;
 2. That the search may include a pat down, a strip search, or a visual body cavity probe search; and
 3. That the requester need not submit to a strip search although refusal may result in the forfeiture of attendance.
 - (2) When denied, the applicant shall be apprised of the reasons for denial.
- b. All requesters shall present proper identification upon entrance to the institution. Photo identification is preferred, but all identification shall identify personal characteristics, such as color of hair and eyes, height, weight and birth date.
 - (1) Signature cards may be required from requesters.
 - (2) All requesters may be required to be photographed for future identification purposes only.
- c. Individuals may be required to leave the institution when:
 - (1) The inmate or attendee engages in behavior that may in any way be disruptive to order and control of the institution.
 - (2) The attendee fails to follow the established rules and procedures of the institution.
 - (3) The attendee and inmate directly exchange any object or article.

- (4) The attendee talks or communicates with an inmate.
- (5) The effect of alcohol or narcotic drugs is detected on the attendee before or during the interview.
- (6) There is detriment to the health of the inmate or attendee.
- (7) The attendee does not manage children.
- d. Minors outside the immediate family shall have written permission from their parent or guardian and be accompanied by an adult. All children shall have adult supervision. Exceptions shall have prior approval of the warden, superintendent or designee.
- e. Attendees shall be properly attired as would be expected in a public meeting place. Adults and teenagers shall wear shoes and may not wear miniskirts, shorts, muscle shirts, see-through clothing, halter tops, clothing with obscene or lewd slogans, pictures or words, and similar apparel. Attendees may be required to remove, for the duration of the interview, outerwear such as, but not limited to, coats, hats, gloves, and sunglasses. A medical need for sunglasses must be verified by prescription.
- f. Attendees may be requested to submit to a personal search (pat down) or review by an electronic device for weapons or contraband. When the electronic device alarm is activated, the attendee shall produce the item, or a personal search may be made to find the item that set off the alarm. Attendees may be requested to submit to a strip search when there is an articulable reason to believe the person is concealing a weapon or contraband. Each institution shall designate the level of authority required to request a search through institutional policy. This person shall authorize the search in writing. The designation required pursuant to subrule 20.3(9) for visitation will suffice for this subrule as well. Entrance may be denied when the attendee is not willing to submit to a search. The request for a search shall be conducted in an inconspicuous manner. The attendee may verbally request a review by the warden, superintendent, or designee at the time of request for a search.
- (1) Strip search means having a person remove or arrange some or all of their clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts, or undergarments of that person or a physical probe of any body cavity. Personal search means a pat down search on top of the attendee's clothing.
- (2) The search will be to the degree deemed appropriate or necessary. A strip search will be conducted only when the following conditions exist:
 - 1. The search is conducted in a place where it cannot be observed by persons not conducting the search.
 - 2. The search is conducted by a person of the same sex as the visitor, unless conducted by a medical practitioner or licensed registered nurse. A second correctional employee of the same sex as the attendee shall also be present during the search. In addition, the attendee may request a third person of the same sex as the attendee to be present during the search.
 - 3. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ear, or nose shall be performed only by a medical practitioner. In the absence of a medical practitioner, a licensed registered nurse will conduct the search and report the findings to the on-call medical practitioner.
 - 4. It will be permissible and not considered a body cavity search to request that a female attendee remove a sanitary napkin or tampon.
- (3) An attendee accompanied by a minor child has the option of not having the child present during a strip search or pat down. The child will be attended by a staff person. When attendee refuses to leave the child with a staff person and does not want the child present during the search, attendance will be denied. At all times when a minor child is searched, the supervising adult may be present in the room.

(4) When an attendee is arrested, the attendee may be searched for weapons which may inflict harm on the arresting officer.

(5) Records shall be kept of all strip searches and shall include the name of the person subjected to the search, the names of the persons conducting and in attendance at the search, the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record.

(6) Attendees found in possession of contraband shall be referred to the county attorney for prosecution.

20.13(4) The space provided for the parole interviews shall have a posted maximum capacity set by the fire marshal. The number of individuals in the room shall not exceed the maximum capacity. Individuals will be admitted on a first-come, first-serve basis.

20.13(5) Cameras and recording devices are permitted with the following exceptions:

a. Media equipment is subject to search prior to admittance and at any time said equipment is inside the institution. Search shall be conducted in the presence of the photographer.

b. Should the attendees be required to pass through areas of the institution where for reasons of security or right to privacy media equipment is disallowed, the use of such equipment is prohibited in those areas.

20.13(6) Interviews may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space restriction, natural disaster, or other extreme emergency.

20.13(7) Refer to Iowa Administrative Code, Parole Board[205] for rules governing conduct at the hearings as required by the Iowa Board of Parole.

20.13(8) Rules that apply to registered victims are found in subrule 20.15(8).

This rule is intended to implement Iowa Code sections 904.102 and 904.103.

201—20.14(80A) Offender transportation.

20.14(1) Companies under contract to county or state agencies to transport Iowa offenders must meet the requirements of this rule to qualify for exemption under Iowa Code section 80A.2 as amended by 1998 Iowa Acts, Senate File 2331.

20.14(2) To comply with the exemption in Iowa Code section 80A.2 as amended by 1998 Iowa Acts, Senate File 2331, the following requirements shall apply:

a. A company(ies) contracting with any jurisdiction/agency within the state of Iowa shall provide, upon request, training and compliance with policy standards governing weapons, security, transportation, and offender management procedures essential to accomplishing safe and secure movement of offenders.

b. A company contracting to provide offender transportation with a jurisdiction/agency within the state of Iowa shall provide proof of insurance coverage including, but not limited to, comprehensive general liability, automobile liability, workers' compensation insurance, all inclusive policies, general liability, and errors or omissions.

c. A company contracting with any jurisdiction/agency within the state of Iowa shall provide the names, dates of birth, and social security numbers of all transportation personnel for criminal history checks.

d. All transporting personnel shall possess appropriate and valid driver's licenses as required by the regulatory agencies.

e. All transporting vehicles shall be licensed under the appropriate Interstate Commerce Commission (ICC) regulations and the state where the vehicle is registered.

f. All transmitting/receiving radios and communication equipment shall comply with Federal Communications Commission (FCC) regulations.

g. This exemption applies only to offender transportation companies. This exemption does not provide exemption for any other part of this statute.

This rule is intended to implement Iowa Code section 80A.2 as amended by 1998 Iowa Acts, Senate File 2331.

201—20.15(910A) Victim notification.**20.15(1) Definitions.**

"Notification" means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an agency from also providing appropriate information to a registered victim by telephone.

"Registered" means having provided the appropriate office, agency, or department with the victim's written request for notification and current mailing address and telephone number.

"Victim" means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense.

"Violent crime" means a forcible felony, as defined in Iowa Code section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

20.15(2) A victim of a violent crime may become registered with the department of corrections which entitles the victim to be notified when the offender is to be released in any of the following situations:

a. Work release. Approximate date of release and whether the inmate is expected to return to the community where the victim resides will be provided.

b. Furlough. Date of leave, date of return and whether the inmate is expected to return to the community where the victim resides will be provided.

c. Escape. Date of escape will be provided.

d. Expiration of sentence. Date of discharge from an institution will be provided.

e. Recommendations for parole. The institution has submitted a recommendation for parole.

f. Parole. Approximate date of release and whether the inmate is expected to return to the community where the victim resides.

20.15(3) Rescinded IAB 3/20/91.

20.15(4) A victim will become registered upon official request by the county attorney to the Director, or designee, Iowa Department of Corrections, Capitol Annex, 523 East 12th Street, Des Moines, Iowa 50319.

20.15(5) Assistance for registering may be obtained through the county attorney or contacting the director of corrections at (515)281-4811.

20.15(6) All information with regard to a registered victim will be kept confidential.

20.15(7) A registered victim is responsible for notifying the department of corrections of address or telephone changes.

20.15(8) Registered victims of the Iowa board of parole may attend hearings in accordance with the following rules:

a. Registered victims by the parole board have the right to appear at the inmate(s) parole/work release hearing either personally or by counsel.

b. The parole board notifies victims of any scheduled parole/work release hearings where the board will interview the inmate not less than 20 days prior to the hearing.

c. The parole board notification will request any victim(s) planning to attend a hearing to notify the warden/superintendent of the intention to attend prior to the hearing.

d. A victim may only be denied attendance when, in the opinion of the warden/superintendent or designee, the victim(s) presents a threat to the security and order of the institution.

e. If a victim is denied attendance at a hearing, the parole board shall be notified immediately.

f. The security director or designee should consider separation of victim(s) and family/friends in attendance at the same hearing. If there are any signs of conflict between victims and family/friends of inmates, the victims shall be escorted out of the institution to avoid an unsupervised contact situation on institution grounds.

This rule is intended to implement Iowa Code section 910A.9.

201—20.16 Reserved.

201—20.17(904) Institutional community placement.

20.17(1) *Home care program.* This program allows for selected inmates to be released from institutional confinement for a set period of time for the purpose of caring for the inmate's immediate family. Release may be to a community correction residential facility/halfway house or to the inmate's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. Eligibility criteria.

(1) The inmate must be the natural parent or legal guardian of the child/children.

(2) The inmate must show cause that this program can provide more suitable care than the present living situation of the child/children.